

Ref

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 9. Part 13. Pp. 185—208

OPINION 322

Validation, under the Plenary Powers, of the generic name *Fulgora* Linnaeus, 1767 (Class Insecta, Order Hemiptera) and designation for the genus so named of a type species in harmony with current nomenclatorial practice



LONDON :

Printed by Order of the International Trust for
Zoological Nomenclature
and

Sold on behalf of the International Commission on Zoological
Nomenclature by the International Trust at its Publications Office
41, Queen's Gate, London, S.W.7
1955

Price Twelve Shillings

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950).

OPINION 322

VALIDATION, UNDER THE PLENARY POWERS, OF THE GENERIC NAME "FULGORA" LINNAEUS, 1767 (CLASS INSECTA, ORDER HEMIPTERA) AND DESIGNATION FOR THE GENUS SO NAMED OF A TYPE SPECIES IN HARMONY WITH CURRENT NOMEN- CLATORIAL PRACTICE

RULING :—(1) Under the Plenary Powers, (a) the generic name *Laternaria* Linnaeus, 1764, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy ; (b) all type selections for the nominal genus *Fulgora* Linnaeus, 1767 (Class Insecta, Order Hemiptera) made prior to the present Ruling are hereby set aside ; (c) the nominal species *Cicada laternaria* Linnaeus, 1758, is hereby designated as the type species of the genus *Fulgora* Linnaeus, 1767.

(2) It is hereby declared that the alleged generic name *Noctiluca* Houttuyn, 1766, is a cheironym.

(3) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* as Names Nos. 767 and 768 respectively :—(a) *Fulgora* Linnaeus, 1767 (gender : feminine) (type species, by designation, under the Plenary Powers, under (1)(c) above : *Cicada laternaria* Linnaeus, 1758) ; (b) *Dictyophara* Germar, 1833 (gender : feminine) (type species, by selection by Desmarest (1845) : *Fulgora europaea* Linnaeus, 1767).

(4) The under-mentioned generic names and alleged generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* as Names Nos. 185 to 187 respectively :—(a) *Laternaria* Linnaeus, 1764 (as suppressed, under the Plenary Powers, under

(1)(a) above) ; (b) *Noctiluca* Houttuyn, 1766 (declared, under (2) above, to be a cheironym) ; (c) *Dictyophora* Burmeister, 1835 (an Invalid Emendation of *Dictyophara* Germar, 1833).

(5) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* as Names Nos. 201 and 202 respectively :—(a) *laternaria* Linnaeus, 1758, as published in the combination *Cicada laternaria* (specific name of type species, by designation, under the Plenary Powers, under (1)(c) above, of *Fulgora* Linnaeus, 1767) ; (b) *europaea* Linnaeus, 1767, as published in the combination *Fulgora europaea* (specific name of type species of *Dictyophara* Germar, 1833).

I.—THE STATEMENT OF THE CASE

On 10th August 1944 a preliminary communication regarding the relative status of the generic names *Laternaria* Linnaeus, 1764, and *Fulgora* Linnaeus, 1767 (Class Insecta, Order Hemiptera) was received from Mr. R. G. Fennah (*Imperial College of Tropical Agriculture, Trinidad*). Correspondence between the applicant, the Secretary and Dr. W. E. China (*British Museum (Natural History), London*) led to the submission by Mr. Fennah on 8th November 1944 of a formal application to the Commission in regard to the foregoing names. For the reasons explained in paragraph 5 below, the form of this application was later somewhat revised. The application so revised was as follows :—

Proposed use of the Plenary Powers to designate a type species for the genus “*Fulgora*” Linnaeus, 1767, and to suppress the generic name “*Laternaria*” Linnaeus, 1764 (Class Insecta, Order Hemiptera)

By R. G. FENNAH

(*Imperial College of Tropical Agriculture, Trinidad*)

The object of the present application is to secure a legal foundation for the use of the generic name *Fulgora* Linnaeus, 1767, in its currently

accepted sense. Two distinct problems are involved ; these are dealt with separately as Cases 1 and 2 respectively.

Case 1

2. *Aim of present application:* The aim of the present application is to secure that the type species of *Fulgora* Linnaeus, 1767, shall be *Cicada laternaria* Linnaeus, 1758. The relevant references are :—

- (a) The generic name *Fulgora* Linnaeus was first published in 1767, *Syst. Nat.* (ed. 12) 1 (2) : 703, no. 1.
- (b) Claims have been advanced on behalf of each of the following authors to be regarded as the author by whom the type species of *Fulgora* Linnaeus was first either designated or selected :—
 - (i) Linnaeus, 1767, *Syst. Nat.* (ed. 12) 1 (2) : 703 : type species designated under Rule (f) in Article 30 : *Cicada laternaria* Linnaeus, 1758 ; *Syst. Nat.* (ed. 10) 1 : 434, no. 1 ;
 - (ii) Sulzer, 1776, *Dr. Sulzers abgek. Gesch. Ins.* : 85, Tab. 9, fig. 5 : type species selected under Rule (g) in Article 30 : *Fulgora europaea* Linnaeus, 1767, *Syst. Nat.* (ed. 12) 1 (2) : 704, no. 9 ;
 - (iii) Latreille, 1810, *Consid. gén. Anim. Crust. Arach. Ins.* : 434 : type species selected under Rule (g) in Article 30, as interpreted by *Opinions* 11 and 136 : *Fulgora europaea* Fabricius, 1775, *Syst. Ent.* : 674 (= *Fulgora europaea* Linnaeus, 1767).

3. *Discussion of the case:* The generic name *Fulgora* was published with a description but with no type designation. The following nine nominal species were placed in this genus : *laternaria*; *diadema*; *candelaria*; *phosphorea*; *noctivida*; *lucernaria*; *flammea*; *truncata*; *europaea*. Two of these species, namely *F. laternaria* and *F. candelaria*, by evidence of identical description and references, belong to the genus *Laternaria* Linnaeus, 1764 (*Mus. Lud. Ulr.* : 152), and were the only two species included in that genus. The former is the type species of *Laternaria* by absolute tautonymy.

4. The relation of the name *Fulgora* Linnaeus, 1767, to *Laternaria* Linnaeus, 1764, must be either that of a *nomen novum* for a supposedly invalid name, *Laternaria*, or a simple substitution, as it cannot be a restriction of *Laternaria*, since it includes all the species originally placed in that genus. In his treatment of *Cicada* in 1764 (which there follows immediately after the genus *Laternaria*), Linnaeus did not include a single one of the species which three years later he listed under the generic name *Fulgora*. It is clear that what Linnaeus had decided upon and what he attempted to do with the limited material available to him in 1764 and with the fuller material available in 1776,

was to erect a genus to contain the species which in 1758 he had placed in the section "Noctilucae" (*capite antice protracta in vesicam oblongam*) of the genus *Cicada*. It was merely an accident that in 1764 he did not have before him all the species which he had originally included in the "Noctilucae", namely *C. laternaria*, *C. candelaria*, *C. phosphorea*, *C. noctivida*, and *C. lucernaria*, the only two then at his disposal being the first two.

5. The generic name *Laternaria* was published without a description, but two nominal species were included in it, of which the first is the type species by absolute tautonymy. This generic name accordingly satisfies the requirements of Article 25 and is an available name.¹ The name *Fulgora* cannot therefore be interpreted as a *nomen novum* for an unavailable name. It must accordingly be regarded as a substitute name for *Laternaria*, and, as it was published without a type designation, it may be argued that, by application of Rule (f) in Article 30, the genus *Fulgora* takes, as its type species, the type species of the genus which it replaces, namely *Cicada laternaria* Linnaeus, 1758.

6. If the foregoing contention is not upheld, it becomes necessary to examine the argument advanced by Kirkaldy in 1913 (*Bull. Hawaii. Sug. Ass. (Ent. Ser.)* 12 : 11) that Sulzer (1776) selected *Fulgora europaea* Linnaeus as the type species of the genus *Fulgora* by publishing an unambiguous figure of that species (pl. 9, fig. 5) with the following statement (: 85) :—

Wir haben in unserer Tafel die Kegelstirn nicht gewählt, als wenn sie dem Leser den vollständigsten und richtigsten Begriff von diesem Geschlechte geben könnte, sondern weil sie noch wirgends abgebildet worden, und gleichwohl nicht nur eine Europäerin, sondern wol gar eine Schweizerin ist ; wenn man aber beliebt Rösels vortreffliche Abbildungen des grossen Laterenträgers und des Kleinern, der sich in Kennzeichen Tab. X fig. 62a befindet, mit dieser Beschreibung zusammen zu halten, so wird man eine genugsame Kenntniss davon erlangen. Linne beschreibt 9 Arten.*

* The following is a translation of the passage quoted from Sulzer (1776) :—
For our plate we have not selected the Cone-Face as giving the reader the most complete and most correct idea of this genus, but a species which, although nowhere hitherto figured, is not only a European, but even a Swiss insect ; but, if the reader wishes to compare Rösels striking illustration of the large Lanternbearer which appears on plate 10, fig. 62a with this description, he will gain an adequate idea therefrom. Linnaeus described nine species.

¹ As the names of previously established nominal species were cited in connection with the generic name *Laternaria* Linnaeus, that name, notwithstanding the fact that it was published with no diagnosis for the genus so named, would, under the liberalisation of Article 25 adopted by the Paris (1948) Congress (1950, *Bull. zool. Nomencl.* 4 : 80), have been an available name, even if no type species had been designated or indicated for the genus so named.

7. It is considered that the foregoing action by Sulzer closely resembles the statement made by Lamarck in 1801 (*Syst. Anim. sans Vertèbres*) regarding the purpose of citing representative species for the genera which he was then discussing. Accordingly, under the precedent set by the rejection of Lamarck's action as constituting selections of type species by the ruling given by the International Commission on Zoological Nomenclature in its *Opinion* 79, Sulzer's action in the present case must be rejected as insufficient to constitute a type selection for the genus *Fulgora*, under Rule (g) in Article 30.

8. We have now to consider the action taken by Latreille in 1810 (*Consid. gén. Anim. Crust. Arach. Ins.* : 434), where he cited "*Fulgora europaea* Fab." as the type species of "Fulgore," which earlier (: 262) in the same work he had defined under both the French and Latin forms of this generic name ("Fulgore" and *Fulgora*). The species so cited by Latreille, by description, by bibliographic citation and by geographical distribution is unquestionably *Fulgora europaea* Linnaeus, 1767. Latreille's action in the *Consid. gén.* has been ruled by the International Commission on Zoological Nomenclature as constituting rigorous selections of type species for the genera there dealt with (*Opinions* 11 and 136) and accordingly his selection of *Fulgora europaea* Linnaeus as the type species of *Fulgora* Linnaeus must be accepted as complying with the Rules, if it is held that no type species had been designated or validly selected for that genus prior to Latreille's action in 1810.

9. It is urged however that, quite irrespective of the merits of the claims advanced on behalf of the foregoing authors to have designated or selected a type species for the genus *Fulgora* Linnaeus, there is strong historical reason for conserving this generic name for the species (*Cicada laternaria* Linnaeus) which Linnaeus considered to be luminous. By the use of such terms as *laternaria* (which he thought sufficiently striking to adopt from Merian), *phosphorea* and *Fulgora*, by the note which he inserted in the description regarding the alleged nocturnal luminosity of this species, and by the first place which he consistently gave to this species in all his writings on Homoptera, Linnaeus clearly revealed that his conception (1) of the Section "Noctilucae" of the genus *Cicada*, (2) of the genus *Laternaria*, and (3) of the genus *Fulgora* was based upon this insect and extended to other species, in so far only as they possessed what he supposed to be the essential organ of luminosity, a cephalic process.

10. *Action by the International Commission on Zoological Nomenclature desired:* The International Commission on Zoological Nomenclature is asked, either, if it thinks it proper, to declare that *Cicada laternaria* Linnaeus, 1758, is the type species of the genus *Fulgora* Linnaeus, 1767, under Rule (f) in Article 30, or, if it does not consider this to be the case, to use its Plenary Powers to designate the foregoing species as the type species of this genus.

Case 2

11. *Aim of present application:* The aim of the present application is to secure the suppression under the Plenary Powers of the generic name *Laternaria* Linnaeus, 1764, in favour of the name *Fulgora* Linnaeus, 1767.

12. *Discussion of the case:* With the exception of Kirkaldy and Haupt, who based their classification upon the belief that *Fulgora europaea* Linnaeus, 1767, was the type species of the genus *Fulgora* Linnaeus, 1767, students of Homoptera have universally employed the generic name *Fulgora* for 184 years as the generic name either of the Neotropical species *Cicada laternaria* Linnaeus, 1758, or of the Oriental species *Cicada candelaria* Linnaeus, 1758. Further, the generic name *Fulgora* formed the basis of the first group names to be adopted (namely Fulgorellae Latreille, 1807 ; Fulgoridae Leach, 1817 ; Fulgorina Burmeister, 1835 ; Fulgorelles, Fulgorites and Fulgoroides Spinola, 1839) and their later modifications.

13. Scrutiny of the type designations and type selections made for the genera *Laternaria* Linnaeus, 1764, and *Fulgora* Linnaeus, 1767, strongly suggests that these genera have the same species, *Cicada laternaria* Linnaeus, 1767, as their respective type species and almost the universal practice of students of this group has been to treat as the type species of *Fulgora* the above species which certainly is the type species of *Laternaria*.

14. It is considered that in this case the application of the Law of Priority, which was designed to stabilise nomenclature, would have the opposite effect. It would lead to the suppression, as a synonym, of one of the earliest and best known generic names in zoology (*Fulgora* Linnaeus, 1767) and with it the series of supergeneric terms founded upon it, and would leave in its stead a name (*Laternaria* Linnaeus, 1764) which only students of the Hemiptera are likely to recognise and which only two or three have used as the basis of the name for a supergeneric unit. The name *Fulgora* Linnaeus presents a clear case of a name which should be preserved for the sake of avoiding confusion.

15. *Action by the International Commission on Zoological Nomenclature desired:* The International Commission on Zoological Nomenclature are asked (1) to use its Plenary Powers (a) to suppress the generic name *Laternaria* Linnaeus, 1764, and (b) to validate the generic name *Fulgora* Linnaeus, 1767, and (2) to place the latter generic name (with *Cicada laternaria* Linnaeus, 1758, as type species) on the *Official List of Generic Names in Zoology*.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : On the receipt of Mr. Fennah's application, the question of the relative status of the generic names *Laternaria* Linnaeus, 1764, and *Fulgora* Linnaeus, 1767, was allotted the Registered Number Z.N.(S) 162.

3. Issue of Public Notices in 1947 : On 20th November 1947 Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given in the manner prescribed by the Ninth International Congress of Zoology, Monaco, 1913. The issue of these Notices elicited no objection to the action proposed.

4. Postponement of consideration of the present application in Paris in 1948 : In view of the fact that a question of the interpretation of Article 30 was bound up in the present case, it was judged better at Paris in 1948 to defer action on the present application until it would be possible to put forward definite proposals for the amendment or interpretation of the foregoing Article simultaneously with the taking of a decision by the Commission in regard to the two names involved in Mr. Fennah's application.

5. Revision of Mr. Fennah's application in 1951 : A number of the decisions taken by the Thirteenth International Congress of Zoology, Paris, 1948, affected the form and scope of *Opinions* to be rendered in future by the Commission, and to this extent necessitated a partial revision of all applications which had been submitted prior to the Paris Congress and which were at that date still outstanding. The necessary revision of the present application was carried out in May 1951.

6. Separate submission of a request for a "Declaration" clarifying the meaning of Rule (f) in Article 30 of the "Règles" : Under a decision taken by the Thirteenth International Congress of Zoology, Paris, 1948, the International Commission was instructed in future to restrict *Opinions* to Rulings given on questions relating to individual names and to individual books and to include in the "*Declarations*" Series any decision which it might take of a general character affecting the interpretation

of the *Règles* and therefore of direct concern to the general body of zoologists. In pursuance of the foregoing directions, Mr. Hemming, as Secretary, prepared in 1951 the following papers for submission to the Commission : (1) an application for the adoption of a *Declaration* clarifying Rule (f) in Article 30 (the Rule relating to the determination of the type species of a nominal genus established as a substitute for a previously established nominal genus, the name of which is, or is believed to be, invalid) ; (2) a Report on the remaining issues calling for decision in the light of Mr. Fennah's application regarding the generic names *Laternaria* Linnaeus and *Fulgora* Linnaeus. The first of these papers has been reproduced in *Declaration* 14, the *Declaration* in which the Commission gave a Ruling on the question of interpretation referred to above.²

7. Issues arising in the present case after the removal therefrom of the problem of the interpretation of Rule (f) in Article 30 : The second of the two documents referred to above, namely the Report by the Secretary on the issues arising in the present case after the removal therefrom of the problem of the interpretation of Rule (f) in Article 30, was as follows :—

Report on the proposal that the generic name “*Fulgora*” Linnaeus 1767 (Class Insecta, Order Hemiptera) should be validated under the Plenary Powers

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

Mr. R. C. Fennah has asked the International Commission on Zoological Nomenclature to use its Plenary Powers to validate the generic name *Fulgora* Linnaeus, 1767 (Class Insecta, Order Hemiptera) and thus to avoid the serious confusion which would be likely to arise if that name were to be discarded in favour of the virtually unknown name *Laternaria* Linnaeus, 1764. Mr. Fennah first wrote to the Commission on this subject in August 1944. After expressing the belief that, under the *Règles*, *Fulgora* Linnaeus, 1767, was an objective synonym of *Laternaria* Linnaeus, 1764, the two genera having the same species as their respective type species, Mr. Fennah then pointed out that the question at issue involved not only the status of the generic name *Fulgora* itself, for within the previous 137 years a large number

² For the text of *Declaration* 14 see pp. xiii—xxiv of the present volume.

of terms had been applied to units of higher taxonomic rank based upon the word "Fulgora". In this connection he cited the terms : Fulgorellae, Fulgorida, Fulgorides, Fulgorelles, Fulgorina, Fulgoriens, Fulgoritae, Fulgoridea and Fulgoridae. Mr. Fennah continued as follows :—"In the interests of nomenclatorial stability I consider that the group names based on *Fulgora* Linnaeus should be preserved, on either or both of the following grounds : (1) The group name based on *Fulgora* has been universally employed for 137 years, and should be conserved on the basis of long usage ; (2) The group name based on *Fulgora* is the oldest supergeneric name, based on a valid genus, and therefore should take priority over any other existing or potential supergeneric name." In the foregoing communication Mr. Fennah did not formulate concrete proposals for securing the object which he had in view, but not long afterwards, following upon a correspondence between Mr. Fennah, Dr. W. E. China (*British Museum (Natural History)*) (with whom Mr. Fennah had been in communication before he approached the Commission on this case) and myself, Mr. Fennah's present application was formally submitted to the Commission. The possible use of the Plenary Powers in the present case was advertised in the prescribed manner in December 1947. No objection of any kind was received in response to this advertisement.

2. The purpose of the present Report is to discuss two matters arising out of Mr. Fennah's application : first to examine in closer detail what is the position under the *Règles*, as regards the type species of the nominal genera *Laternaria* Linnaeus, 1758, and *Fulgora* Linnaeus, 1767 ; second, to elaborate to such extent as may be necessary, the recommendations submitted regarding the action required, if the Commission decides to approve the stabilisation of the generic name *Fulgora* in its accustomed sense, in order that that action may comply with the decisions taken in Paris in 1948 by the Thirteenth International Congress of Zoology in regard to the manner in which cases of this kind are to be dealt with.

(I) The type species of the nominal genera " *Laternaria* " Linnaeus, 1764, and " *Fulgora* " Linnaeus, 1767

3. *The type species of the nominal genus " Laternaria " Linnaeus, 1764 :* This nominal genus as originally established by Linnaeus contained two nominal species, namely : (1) *Cicada phosphorea* Linnaeus, 1758 ; (2) *Cicada candelaria* Linnaeus, 1758. The first of these nominal species is subjectively identified by specialists with the nominal species *Cicada laternaria* Linnaeus, 1758, and, on the basis of this subjective identification, the argument has been advanced that the latter species is automatically the type species of the nominal genus *Laternaria* Linnaeus, 1764, by absolute tautonymy under Rule (d) of Article 30. This particular argument is fallacious, for it assumes that

it is possible for the type species of a genus to be a nominal species not included in the genus concerned at the time when the generic name was first published. Fortunately, however, a closer inspection of the *Museum Ludovicae Ulricae* of Linnaeus shows that at the time when Linnaeus first published the generic name *Laternaria*, he included, in the synonymy of the first of the two nominal species which he then referred to that genus (*Cicada phosphorea* Linnaeus, 1758) the reference "Syst. Nat. 434 No. 1". This reference is to page 434 of the 10th edition of the *Systema Naturae*, where the species bearing the number "1" is *Cicada laternaria* Linnaeus, 1758.

4. Thus, the nominal species *Cicada laternaria* Linnaeus, 1758, was included by Linnaeus in the genus *Laternaria* Linnaeus, 1764, as a synonym of one of the nominal species then recognised by him as belonging to that genus. The point which has next to be considered is whether the inclusion in a specific synonymy of the name of a nominal species constitutes, for the purposes of Article 30, the citation of that nominal species as one of the species originally included in the genus concerned. If the answer to this question is in the affirmative, then in the present case the nominal species *Cicada laternaria* Linnaeus, 1758, is the type species of the genus *Laternaria* Linnaeus, 1764, by absolute tautonymy; if on the other hand, the answer to this question is in the negative, then the above nominal species is not one of the originally included species of the genus *Laternaria*, and, as the subjective identification of *Laternaria phosphorea* (Linnaeus) (= *Cicada phosphorea* Linnaeus, 1758) with *Cicada laternaria* Linnaeus, 1758, by later authors is irrelevant, when considering what is the type species of this genus, it would be necessary in that event to turn to the later literature to find out which of the two originally included species had first been selected as the type species of *Laternaria* by a subsequent author.

5. At the time when Mr. Fennah's application was submitted to the Commission there existed no authoritative ruling on the question discussed above; in consequence, it was not possible to ascertain, without special reference to the International Commission, whether or not *Cicada laternaria* Linnaeus, 1758, was the type species of the genus *Laternaria* Linnaeus, 1764. It was not until July 1948 that the question of principle involved was settled by the Thirteenth International Congress of Zoology, when it defined the species which, for the purposes of Article 30, were to be regarded as the nominal species originally included in any given nominal genus and which alone therefore were eligible to become the type species of that genus. On this question the Congress decided that words should be inserted in the *Règles* "to make it clear that the nominal species to be regarded as having been included in a given nominal genus at the time when the name of that genus was first published are (i) the nominal species cited by the original author as valid taxonomic species belonging to that nominal genus and (ii) any nominal species cited on that occasion as synonyms

of nominal species falling in (i) above, and that the foregoing nominal species are alone eligible for selection as the type species" (see 1950, *Bull. zool. Nomencl.* 4 : 179—180).

6. In the light of the foregoing decision by the Paris Congress, we see at once that *Cicada laternaria* Linnaeus, 1758, is to be regarded as one of the nominal species included in the genus *Laternaria* Linnaeus, 1764, at the time when that generic name was first published. Now that this proposition has been established, it follows automatically, under Rule (d) in Article 30, that *Cicada laternaria* Linnaeus, 1764, is the type species of the nominal genus *Laternaria* Linnaeus, 1764, by absolute tautonymy.

7. The type species of the nominal genus "*Fulgora*" Linnaeus, 1767 : As pointed out by Mr. Fennah, Linnaeus in 1767 included in the new genus *Fulgora* (i) the two nominal species which, three years earlier he had placed in the then newly named genus *Laternaria* Linnaeus, 1764, and (ii) seven other nominal species not mentioned by Linnaeus at the time when he published the generic name *Laternaria*. From a practical point of view Linnaeus may certainly be regarded as having substituted in 1767 the new generic name *Fulgora* for the generic name *Laternaria* which he had first published three years earlier (in 1764). Nor is the reason far to seek : throughout his writings Linnaeus invariably rejected a generic name that was tautonymous with the trivial name of one of the included species. This problem did not, from his point of view, arise in 1764, when he first published the generic name *Laternaria*, for on that occasion he applied the trivial name *phosphorea* Linnaeus, 1758, originally published in the binominal combination *Cicada phosphorea* to the species to which in 1758 he had applied the trivial name *laternaria* Linnaeus, 1758, in the binominal combination *Cicada laternaria*. In 1767, however, Linnaeus decided to discard the name *phosphorea* Linnaeus, 1758, as the trivial name of the species in question and to restore to it the trivial name *laternaria* Linnaeus, 1758. If Linnaeus had taken no other action in 1767, this species would then have had the tautonymous name *Laternaria laternaria* (Linnaeus, 1758). But this would have offended against Linnaeus' rule that tautonymy of this kind was to be barred and it can hardly be doubted that it was to get over this difficulty that he dropped the generic name *Laternaria* Linnaeus, 1764, and applied to the genus in question the new generic name *Fulgora*, the name of the species with which we are here concerned thus becoming *Fulgora laternaria* (Linnaeus, 1758).

8. While the above is, I am convinced, the correct explanation of the action taken by Linnaeus in this matter, we are concerned, from the point of view of nomenclature, not with the reasons which prompted the action taken by Linnaeus but with the nomenclatorial consequences of that action, judged solely by the wording used in the *Règles*. Rule (f) in Article 30 contains a provision that Mr. Fennah has argued is,

and which I myself formerly considered could be held to be, applicable to the present case. This Rule reads: "In case a generic name without originally designated type species is proposed as a substitute for another generic name, with or without type species, the type species of either, when established, becomes *ipso facto* the type species of the other." We are accordingly confronted here, with the need for an interpretation of Rule (f) in Article 30, for, in the absence of such an interpretation, it is impossible to make any progress with the consideration of the question of the type species of the genus *Fulgora* Linnaeus. The Thirteenth International Congress of Zoology at Paris in 1948 decided that, in future, general questions relating to the interpretation of the *Règles* are not to be dealt with by the Commission in *Opinions* relating to individual nomenclatorial problems but are to be considered separately, decisions reached on such matters being recorded in *Declarations* (see 1950, *Bull. zool. Nomencl.* 4 : 136—137). In accordance with the procedure so prescribed, I have prepared a separate application (File Z.N.(S.) 539),³ in which I discuss what appear to me to be the relevant considerations in this matter and arrive at the conclusion, which I there submit for the favourable consideration of the International Commission, that, in order to be brought within the scope of Rule (f) of Article 30, a generic name must have been published with an express intimation that it was put forward as a substitute for some other name. It is necessary, for the purposes of the present application, to make some assumption as to the meaning to be attached to the foregoing Rule, and I have therefore assumed that that Rule has the meaning which, for the reasons explained in application Z.N.(S.) 539, I believe that it has and which I therefore recommend the Commission to endorse.⁴ Naturally, if the Commission were to take a different view, it would be necessary to re-examine the case of the name *Fulgora* Linnaeus in the light of the decision so taken. Meanwhile, the provisional adoption of the foregoing assumption renders it possible to make progress with the present case.

9. The type species of the genus *Fulgora* Linnaeus was not designated or indicated under any of the Rules lettered (a) to (d) in Article 30 ; nor, on the assumption adopted in paragraph 8 above, was the type species of this genus determined under Rule (f) in Article 30, for, when Linnaeus published the generic name *Fulgora* in 1767, he said nothing to imply that it was a substitute for the earlier name *Laternaria* Linnaeus, 1764. Accordingly (subject to the reserve specified in the preceding paragraph) we reach the conclusion that the type species of the genus *Fulgora* Linnaeus, 1767, can only be determined under

³ See first paragraph of *Declaration* 14, pp. xiii—xxiv of the present volume.

⁴ The assumption here made has since been endorsed by the International Commission in its *Declaration* 14 (see p. xx of the present volume).

the one remaining Rule in Article 30, namely Rule (g) (type species by subsequent selection).

10. When in 1767 he established the nominal genus *Fulgora*, Linnaeus placed in it altogether nine nominal species, namely (1) the five nominal species which in 1758 he had described as belonging to the Section "Noctilucae" of the genus *Cicada*—of which three (*phosphorea*, *laternaria* (then treated as identical with *phosphorea*) and *candelaria*) were in 1764 placed in the genus *Laternaria*—and (2) four nominal species then named for the first time (namely *Fulgora diadema* nov. sp. ; *Fulgora flammea* nov. sp. ; *Fulgora truncata* nov. sp. ; *Fulgora europaea* nov. sp.). Any one of these nominal species is, therefore, eligible to be selected as the type species of the genus *Fulgora* Linnaeus by a later author, acting under Rule (g) in Article 30. It is necessary therefore to examine the literature, to determine which of these nine nominal species was first so selected.

11. The first author on whose behalf a claim has been advanced that he selected a type species for the genus *Fulgora* Linnaeus is Sulzer (1776). This claim, which was advanced first by Kirkaldy in 1913, is examined by Mr. Fennah in the application which he has submitted to the Commission, where the passage in Sulzer relied upon by Kirkaldy is quoted in full. Mr. Fennah concludes that Sulzer's action cannot possibly be regarded as constituting the selection of a type species for the genus *Fulgora* Linnaeus ; I entirely share his view.

12. The next work which has to be considered is Latreille's *Consid. gén. Anim. Crust. Arach. Ins.* of 1810, the entries in which, as noted by Mr. Fennah, have been accepted by the International Commission as constituting selections of type species for the genera there enumerated in every case where one species only was specified by Latreille (*Opinion* 136). On turning to this work, we find that Latreille cited one species only, "*Fulgora europaea* Fab." under the generic name "*Fulgore*" (French) and *Fulgora* (Latin). Fabricius himself never published the binominal combination *Fulgora europaea* as a new name and there is thus nomenclatorially no such name as *Fulgora europaea* Fabricius. What he did do in 1775 (in the *Systema Entomologiae* : 674) was to cite a nominal species under the binominal combination *Fulgora europaea* which he correctly attributed to Linnaeus. The nominal species *Fulgora europaea* Linnaeus, 1767, is therefore the species which was selected by Latreille as the type species of *Fulgora* Linnaeus, 1767. As that species was (as we know) one of the species originally included by Linnaeus in the genus *Fulgora* and as no type species had been designated, indicated or selected for this genus prior to the action taken by Latreille in 1810, that author's selection of *Fulgora europaea* Linnaeus, 1767, is valid under the *Règles* and that species is therefore the type species of the genus *Fulgora* Linnaeus, 1767.

13. It is important in this connection to note that the nominal species *Fulgora europaea* Linnaeus, 1767, is currently referred to the genus *Dictyophara* Germar, 1833 (*Rev. Ent.* 1(4) : 175), of which indeed it is the type species by subsequent selection by Desmarest (1845) (*in d'Orbigny, Dict. univ. Hist. nat.* (nouv. ed.) 5 : 121). Further as Mr. Fennah has pointed out (*in litt.*, 1945), the above genus is the type genus of a currently recognised family, the DICTYOPHARIDAE. It follows from what has been said in paragraph 12 above that the generic name *Dictyophara* Germar, 1833, is under the *Règles* a junior objective synonym of the generic name *Fulgora* Linnaeus, 1767, each of these nominal genera having the same species as its type species. The confusion likely to follow the loss by the species concerned of so well known a generic name as that of *Fulgora* would naturally be very greatly aggravated if in addition that name remained a valid name but had to be applied to some entirely different genus (in this case, the genus *Dictyophara* Germar). Serious as in any circumstances such consequences would be, they would be very seriously intensified in the present case through the necessity of using the family name FULGORIDAE for the family at present known as the DICTYOPHARIDAE. In this connection, it will be recalled that at the time when the International Congress of Zoology first granted Plenary Powers to the International Commission on Zoological Nomenclature to suspend the operation of the *Règles*, the avoidance of transfers of generic names from one genus to another (as the application of the *Règles* in the present case would require) was specifically cited as one of the purposes for which the Plenary Powers were granted to the Commission.

(II) The reputed generic name “*Noctiluca*” Houttuyn, 1766, in relation to the generic name “*Fulgora*” Linnaeus, 1767

14. In the year 1947 attention was drawn in connection with the present case to a reputed generic name *Noctiluca* Houttuyn, 1766, stated to have been published in 1766 in that author's *Natuurlyke Historie*; this name, it was claimed, had priority over, and should therefore under the *Règles* replace, the generic name *Fulgora* Linnaeus, 1767. In these circumstances it was obvious that this was a matter which must at once be investigated, for it would clearly be pointless to ask the Commission to validate the name *Fulgora* Linnaeus, 1767, as against the name *Laternaria* Linnaeus, 1764, while still leaving *Fulgora* Linnaeus liable to be replaced by the earlier name *Noctiluca* Houttuyn.

15. At Mr. Fennah's request this matter was therefore at once investigated by Dr. W. E. China (*British Museum (Natural History)*), who, on consulting Houttuyn's *Natuurlyke Historie*, found that that author had not employed the term *Noctiluca* as a generic name and had not used it in the nominative singular. What he did was to employ this word in the nominative plural, i.e. as “*Noctilucae*”, “in exactly

the same sense as did Linnaeus in the *Syst. Nat.* of 1758, that is, as a subdivision of *Cicada*". This discovery put an end to all threat to *Fulgora* from this quarter, for already in 1944 the Commission had rendered an *Opinion* (*Opinion* 183) in which it had ruled that, in order to acquire availability as a generic name, a word must not only be a noun substantive, but must also have been published in the nominative singular. This ruling was in 1948 incorporated into the *Règles* by a decision taken by the Thirteenth International Congress of Zoology (see 1950, *Bull. zool. Nomencl.* 4 : 139—140). It will be seen therefore that the alleged generic name *Noctiluca* Houttuyn, 1766, possesses no existence under the *Règles*, being a mere cheironym. As such, it should, like other cheironyms which have given trouble in the past, be put finally to rest by being registered in the *Official Index of Rejected and Invalid Generic Names in Zoology*.

Summary of Conclusions reached on the data available

16. We may now summarise as follows the conclusions which may be drawn from the data available in regard to the present case :—

- (1) The generic name *Laternaria* Linnaeus, 1764, is an available name and the nominal genus in question has *Cicada laternaria* Linnaeus, 1758, as its type species by absolute tautonymy (paragraph 6).
- (2) There is no such generic name as the alleged generic name *Noctiluca* Houttuyn, 1766, which is a mere cheironym (paragraph 15).
- (3) The generic name *Fulgora* Linnaeus, 1767, is an available name and the nominal genus in question has, as its type species, *Fulgora europaea* Linnaeus, 1767, by subsequent selection by Latreille in 1810 (paragraph 12).
- (4) The nominal species *Cicada laternaria* Linnaeus, 1767, is currently referred to the genus *Fulgora* Linnaeus, 1767, the older generic name *Laternaria* Linnaeus, 1764, not being in use. As employed in this sense, the generic name *Fulgora* Linnaeus has formed the basis of the family name FULGORIDAE, which is in universal use (paragraph 1).
- (5) The nominal species *Cicada europaea* Linnaeus, 1767 (the type species, under the *Règles*, of the genus *Fulgora* Linnaeus, 1767) is currently placed in the genus *Dictyophara* Germar, 1833, of which it is the type species. As employed in this sense, the generic name *Dictyophara* Germar has formed the basis of the family name DICTYOPHARIDAE, which, like the family name FULGORIDAE, is now in general use (paragraph 13).

- (6) The strict application of the *Règles* in the present case would thus
 (a) deprive the species universally known as *Fulgora* of the generic name which has been for so long applied to them, and
 (b) involve the confusing transfer of that generic name to the genus now known by the name *Dictyophara* Germar. A further result of the strict application of the *Règles* would be that the family now known by the name FULGORIDAE would need to be known by the name LATERNARIIDAE, while the family name FULGORIDAE would need to be transferred to the family now known by the name DICTYOPHARIDAE.

17. The question which it will, therefore, be necessary for the International Commission on Zoological Nomenclature to consider is whether the undoubted *prima facie* case advanced by Mr. Fennah, with the support of Dr. China, is such that the use of the Plenary Powers would be justified in order to preserve the accustomed use of the generic name *Fulgora* Linnaeus and of the family name FULGORIDAE and to prevent those names from being transferred respectively to the genus now known by the name *Dictyophara* Germar and the family now known as DICTYOPHARIDAE.

18. In the event of the Commission deciding that this is certainly a case where the strict application of the *Règles* would give rise to quite unjustified confusion and therefore that the Plenary Powers should be used in the interests of nomenclatorial stability, the detailed action which the Commission would need to take would be the following :—

(1) use the Plenary Powers :—

- (a) to suppress the generic name *Laternaria* Linnaeus, 1764, for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (b) to set aside all selections of type species for the nominal genus *Fulgora* Linnaeus, 1767, made prior to the proposed decision ;
- (c) to designate the nominal species *Cicada laternaria* Linnaeus, 1758, to be the type species of the nominal genus *Fulgora* Linnaeus, 1767 ;

(2) declare the alleged generic name *Noctiluca* Houttuyn, 1766, to be a cheironym ;

(3) place the following generic names on the *Official List of Generic Names in Zoology*, with the type species severally specified below :—

- (a) *Fulgora* Linnaeus, 1767 (gender of generic name : feminine) (type species, as designated under the

Plenary Powers under (1)(c) above : *Cicada laternaria* Linnaeus, 1758) ;

(b) *Dictyophara* Germar, 1833 (gender of generic name : feminine) (type species, by selection by Desmarest (1845) : *Fulgora europaea* Linnaeus, 1767) ;

(4) place the under-mentioned generic names and alleged generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :

(a) the generic name *Laternaria* Linnaeus, 1764, as suppressed under (1)(a) above ;

(b) the alleged generic name *Noctiluca* Houttuyn, 1766, declared to be a cheironym under (2) above ;

(5) place the under-mentioned specific trivial names on the *Official List of Specific Trivial Names in Zoology* :—

(a) *laternaria* Linnaeus, 1758, as published in the binominal combination *Cicada laternaria* ;

(b) *europaea* Linnaeus, 1767, as published in the binominal combination *Fulgora europaea*.

8. Question of the correct spelling of the generic name “Dictyophara” Germar, 1833 : At the time when the Report reproduced in the immediately preceding paragraph was completed, the Secretary placed the following Minute (dated 19th May 1951) on the File Z.N.(S.) 162, in regard to the question of the correct spelling of the name *Dictyophara* Germar, 1833, a generic name which it had been necessary to deal with in that Report :—

**Question of the spelling to be adopted for the generic name
“Dictyophara”, Germar, 1833**

MINUTE by FRANCIS HEMMING, C.M.G., C.B.E.
(Secretary to the International Commission on Zoological Nomenclature)

In preparing my Report to the Commission on the problems associated with the name *Fulgora* Linnaeus, 1767, I have had to include

a proposal that the name *Dictyophara* Germar, 1833, should be placed on the *Official List of Generic Names in Zoology*, this being necessary in order to comply with the directions given to the Commission by the Thirteenth International Congress of Zoology, Paris, 1948, that in future Rulings given in *Opinions* should cover the whole field involved.

2. In preparing this portion of my Report I found that the foregoing generic name had been emended to *Dictyophora* on linguistic grounds by Burmeister in 1835 (*Handb. Ent.* 2 (1) : 159). I accordingly consulted Dr. W. E. China (*British Museum (Natural History)*, London). In the enclosure to a letter dated 11th September 1950, Dr. China expressed the opinion that “*Dictyophora* is an unnecessary emendation by Burmeister”. In a further letter dated 20th September 1950, Dr. China wrote as follows : “*Dictyophara* versus *Dictyophora* : In the history of this genus the spelling ‘-phara’ has been used by seventy-nine authors, whereas the spelling ‘-phora’ has been used by only forty-three authors. In the principal monograph of the family by Melichar (1912, *Abh. K. K. zool.-bot. Ges. Wien* 7 (1) : 1—221, 5 pls.) the emendation *Dictyophora* is used, but in the most recent catalogue—by Metcalf (1946, *Gen. Cat. Hemipt.* Fasc. 4, Part 8 : 1—246)—the original *Dictyophara* is used. The tendency is for modern authors to use the original spelling rather than the emendation, following the idea that the correct classical spelling does not matter in a generic name. *Dictyophora*, of course, means ‘Net-bearer’, presumably referring to the net-like venation, and is etymologically correct. Burmeister’s assumption was that *Dictyophara* Germar was a misspelling for *Dictyophora* but it is possible that Germar, thinking of the supposed luminous properties of the FULGORIDAE, had in mind the Greek word *φάρος*, a lighthouse and transliterated it ‘-phara’.”

3. It is evident from the information furnished by Dr. China that Germar’s own paper contains no evidence to suggest that the spelling “*Dictyophara*”, as used by him, was a “faute” of any of the three kinds recognised by the present Article 19. It is evident also that the emendation *Dictyophora* has not won general acceptance—rather the reverse. In these circumstances there can be no case for discarding the original spelling *Dictyophara* under Article 19 or for asking the Commission to use its Plenary Powers to give valid force to the emendation *Dictyophora* published by Burmeister in 1835.

9. **Publication of the present application :** The present application and Mr. Hemming’s Report on the issues involved, together with Mr. Hemming’s separate application for a *Declaration* interpreting Article 30, Rule (f), were sent to the printer in May 1951 and were published on 28th September 1951 in Part 2 of

volume 6 of the *Bulletin of Zoological Nomenclature* (Fennah, 1951, *Bull. zool. Nomencl.* **6** : 34—37 ; Hemming, 1951, *ibid.* **6** : 37—44 (Report on the case of *Laternaria* and *Fulgora*) ; *id.*, 1951, *ibid.* **6** : 45—48 (application for a *Declaration* interpreting Rule (f) in Article 30)).

10. Issue of Public Notices in 1951 : Under the revised arrangements prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 28th September 1951 both in Part 2 of volume 6 of the *Bulletin of Zoological Nomenclature* (the Part in which Mr. Fennah's application was published) and also to the other prescribed serial publications. As in the case of the Public Notice given in 1947 (paragraph 3 above), the publication of these Notices in 1951 elicited no objection to the action proposed.

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

11. Issue of Voting Paper V.P.(52)45 : On 15th May 1952, a Voting Paper V.P.(52)45 was issued in which the Members of the Commission were invited to vote either for, or against, the proposal “ relating to the name *Fulgora* Linnaeus, 1767, as set out in Points (1) to (5) in paragraph 18 on page 44 of volume 6 of the *Bulletin of Zoological Nomenclature* ” [i.e., in the Report reproduced in paragraph 7 of the present *Opinion*].

12. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 15th August 1952.

13. Particulars of the Voting on Voting Paper V.P.(52)45 : The state of the voting on Voting Paper V.P.(52)45 at the close of the Prescribed Voting Period was as follows :—

- (a) *Affirmative Votes had been given by the following sixteen (16) Commissioners (arranged in the order in which Votes were received) :*

Riley ; Hering ; Calman ; Dymond ; Hankó ; Bonnet ;
Vokes ; do Amaral ; Pearson ; Bradley ; Hemming ;
Esaki ; Lemche ; Cabrera ; Stoll ; Boschma ;

- (b) *Negative Votes :*

None ;

- (c) *Voting Papers not returned, two (2) :*

Jaczewski ; Mertens.

14. Declaration of Result of Vote : On 16th August 1952, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(52)45, signed a Certificate that the Votes cast were as set out in paragraph 13 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

15. The decision taken by the Commission when voting on the present application to place the generic name *Dictyophara* Germar, 1833, on the *Official List of Generic Names in Zoology* in the foregoing spelling, that is, in the original spelling used by Germar, involved the rejection of the emended spelling *Dictyophora* published by Burmeister in 1835 (paragraph 8 above), but by inadvertence an express proposal that this latter spelling should be placed on the *Official Index of Rejected and Invalid*

Generic Names in Zoology was not included in the recommendation submitted, though the recording in this way of every name rejected by the Commission is obligatory under the regulations governing the placing of names on the *Official Lists* and *Official Indexes*. The opportunity presented by the preparation of the present *Opinion* has been taken to make good this accidental omission.

16. On 28th April 1954, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(52)45, as amplified in the manner specified in paragraph 15 above.

17. The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

- Dictyophara* Germar, 1833, *Rev. Ent.* **1** (4) : 175
Dictyophora Burmeister, 1835, *Handb. Ent.* **2** (1) : 159
europaea, *Fulgora*, Linnaeus, 1767, *Syst. Nat.* (ed. 12) **1** (2) : 704
Fulgora Linnaeus, 1767, *Syst. Nat.* (ed. 12) **1** (2) : 703
Laternaria Linnaeus, 1764, *Mus. Lud. Ulr.* : 152
laternaria, *Cicada*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 434
Noctiluca Houttuyn, 1766, *Natuurl. Hist.* : 245

The reference for the selection of a type species for the genus *Dictyophara* Germar, 1833, referred to in the Ruling given in the present *Opinion* is : Desmarest, 1845, in d'Orbigny, *Dict. univ. Hist. nat.* (nouv. ed.) **5** : 121.

18. The application dealt with in the present *Opinion* was published in the *Bulletin of Zoological Nomenclature* prior to the establishment of the *Official List of Family-Group Names in Zoology* by the Fourteenth International Congress of Zoology, Copenhagen, 1953. It has not been possible since then to deal with this aspect of the present case. This question is, however, now being examined on a separate File to which the Registered Number Z.N.(G.)75 has been allotted.

19. At the time of the adoption of the Ruling given in the present *Opinion*, the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression "trivial name" and the *Official List* reserved for recording such names was styled the *Official List of Specific Trivial Names in Zoology*, the word "trivial" appearing also in the title of the *Official Index* reserved for recording rejected and invalid names of this category. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression "specific name" was substituted for the expression "trivial name" and corresponding changes were made in the titles of the *Official List* and *Official Index* of such names (1953, *Copenhagen Decisions zool. Nomencl.* : 21). The changes in terminology so adopted have been incorporated in the Ruling given in the present *Opinion*.

20. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

21. The present *Opinion* shall be known as *Opinion* Three Hundred and Twenty-Two (322) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Eighth day of April, Nineteen Hundred and Fifty-Four.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING